

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #8	CCRB Case #: 201803699	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/05/2018 7:50 PM	Location of Incident: 61st Precinct stationhouse	Precinct: 61	18 Mo. SOL 11/5/2019	EO SOL 11/5/2019	
Date/Time CV Reported Wed, 05/09/2018 4:00 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 05/09/2018 4:00 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Steve Fleischhauer	07551	948023	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Samadh Alauddin	03324	963359	061 PCT
2. SGT Kevin Cascone	4066	941512	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steve Fleischhauer	Abuse: Police Officer Steve Fleischhauer refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On May 9, 2018, § 87(2)(b) filed this complaint with the CCRB by leaving a message on the CCRB DiRAD system.

On May 4, 2018 in the evening, § 87(2)(b) went to the 61st Precinct stationhouse in Brooklyn to file a police report about someone slashing her car's tires. She spoke to PO Steve Fleischhauer of the 61<sup>st</sup> Precinct, who argued with her and told her she could not file a police report. § 87(2)(b) later called 311 and learned that she should have been able to file a report.

On May 5, 2018, at approximately 6:45 p.m., § 87(2)(b) returned to the stationhouse with her friend, § 87(2)(b). PO Fleischhauer came from within the stationhouse and began arguing with her again. He refused to provide his name when she asked (**Allegation A; Abuse of Authority – Refusal to Provide Name, § 87(2)(g)**).

There is no video evidence.

### Findings and Recommendations

#### Allegation A—Abuse of Authority: PO Steve Fleischhauer refused to provide his name to

§ 87(2)(b)

§ 87(2)(b) gave the following statements (Board Review 06, 01).

§ 87(2)(b) recounted in her initial phone statement that on May 4, 2018, she went to the 61<sup>st</sup> precinct stationhouse to file a report about damage to her car tires. § 87(2)(b) spoke with an officer, identified through the investigation to be PO Fleischhauer, who stated that she could not file a report because she had driven the car away from the scene. On May 5, 2018, § 87(2)(b) returned to the 61<sup>st</sup> precinct stationhouse with her friend § 87(2)(b) to again attempt to file a report. At the stationhouse, PO Fleischhauer and § 87(2)(b) argued again about the report. During her argument with PO Fleischhauer at the 61<sup>st</sup> Stationhouse on May 5, 2018 she asked PO Fleischhauer, "Why don't you give us your name?" PO Fleischhauer replied, "Don't ask for my name," covered his nameplate with his hand, and turned to walk away. § 87(2)(b) produced her phone and told PO Fleischhauer to let her photograph his nameplate. PO Fleischhauer said, "Don't ever take my picture."

In her in-person interview, § 87(2)(b) recounted that after several minutes of arguing with PO Fleischhauer, § 87(2)(b) asked PO Fleischhauer, "What's your name, sir?" PO Fleischhauer replied, "I'm not gonna give you my name," leading to § 87(2)(b) and § 87(2)(b) attempting to take a photograph of the officer. § 87(2)(b)'s phone was low on battery so she asked § 87(2)(b) to try hers. When § 87(2)(b) pulled out her phone, PO Fleischhauer turned and walked away into another room. Sgt. Cascone then approached § 87(2)(b) and after taking her statement, had another officer prepare a criminal report for her. When § 87(2)(b) gave her statement to the CCRB, she did not know PO Fleischhauer's name and referred to him as "the guy."

§ 87(2)(b) gave the following statement in her in-person interview (Board Review 02). Initially, § 87(2)(b) recounted that § 87(2)(b) said to PO Fleischhauer, "Give me your name and badge number, and I will report you." PO Fleischhauer replied, "You have no authority to take my name down." § 87(2)(b) later said that § 87(2)(b) actually told PO Fleischhauer something to the effect of, "I want to take a picture of you," or "I want to take a picture of you and your name," or "I want to write down your name." When this complaint was filed with the CCRB, neither § 87(2)(b) nor § 87(2)(b) knew PO Fleischhauer's name. § 87(2)(b) stated in her interview that she believed the officer's surname to possibly begin "FEU" and possibly end with "BERG".

§ 87(2)(b) asked § 87(2)(b) to use her phone to photograph PO Fleischhauer as § 87(2)(b)'s phone was out of battery. PO Fleischhauer said that the women had no right to photograph him several times. By the time § 87(2)(b) retrieved her phone from her bag, PO

Fleischhauer was walking away from the area so she only managed to get one photo of him (Board Review 05).



This is the photo taken by § 87(2)(b) of PO Fleischhauer on May 5, 2018 in the 61<sup>st</sup> precinct stationhouse. The photo shows PO Fleischhauer who appears to be walking away from the camera with his left hand on the left side of his chest near where his shield would be.

In his statement, PO Fleischhauer denied any recollection of the incident with § 87(2)(b) and § 87(2)(b) (Board Review 03). PO Fleischhauer did not recall any civilian asking him for his name or shield number. PO Fleischhauer was not aware of any civilian taking his picture or attempting to take his picture. PO Fleischhauer did not recall walking away from any civilian when they attempted to take his photograph. During his interview, PO Fleischhauer was presented with the photo of himself taken by § 87(2)(b) at the stationhouse and still did not recall the incident.

Sgt. Kevin Cascone of the 61<sup>st</sup> Precinct recounted that it was PO Fleischhauer who interacted with § 87(2)(b) and § 87(2)(b) when they were trying to file their report (Board Review 04). At the time of the interaction he was working as desk officer. PO Fleischhauer, working T/S at the time, approached Sgt. Cascone and stated that the two women at the T/S desk were attempting to file a report for damage to a vehicle. PO Fleischhauer told Sgt. Cascone that he was unable to file the report because the vehicle in question was not there and the incident had not occurred that day. PO Fleischhauer told Sgt. Cascone that he had explained to the two women that he could not do a report for them but the women were not understanding him.

Sgt. Cascone took over for PO Fleischhauer because he wanted to avoid confrontation between PO Fleischhauer and the women. After conversing with the women, Sgt. Cascone asked PO Samadh Alauddin to take the women's report because he believed there would be less tension if another officer took the report.

Sgt. Cascone did not remember either woman having their phones out or attempting to take a photo of PO Fleischhauer. Sgt. Cascone did not hear nor see PO Fleischhauer tell the women that they could not take a photo. The women complained that PO Fleischhauer would not take the report. Sgt. Cascone did not recall the woman asking PO Fleischhauer for his name. Sgt. Cascone denied ever being asked by the women for PO Fleischhauer's name.

Under NYPD Patrol Guide Procedure 203-09 officers must "courteously and clearly state your rank, name, shield number, and command, or otherwise provide them, to anyone who requests you to do so" (Board Review 07).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]  
§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
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§ 87(2)(g) [Redacted]  
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§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) [Redacted] has been a party. (Board Review 09).
- PO Fleischhauer has been a member of service for 9 years and has been the subject in one prior CCRB complaint, which was not substantiated. § 87(2)(g) [Redacted]  
[Redacted]

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) [Redacted] declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) [Redacted] has no history of convictions in New York City (Board Review 10).
- According to the Office of Court Administration (OCA), § 87(2)(b) [Redacted] has no history of convictions in New York City (Board Review 11).
- As of August 2, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 08).

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Squad No.: \_\_\_\_\_

  

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

  

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

  

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date

